

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

LORENZO MALONE,

Petitioner,

v.

JAMES FORTNER, Warden,

Respondent.

No. 3:09-cv-00949

Judge Haynes

ONDSM
This motion
is GRANTED
L. J. J.

RESPONDENT'S MOTION FOR LEAVE TO RELY UPON HIS ANSWER TO
AMENDED PETITION AS HIS RESPONSE TO THE PETITIONER'S
MOTION FOR SUMMARY JUDGMENT

3-14-13

The respondent, James Fortner, hereby requests that he be allowed to rely upon his answer to the petitioner's Amended Petition for Writ of Habeas Corpus ("Amended Petition") as his response to the petitioner's motion for summary judgment. As grounds for this motion, the respondent states as follows:

1. In the Amended Petition, the petitioner provided a recitation of the facts and set forth three explicit claims for relief, including nine subclaims regarding alleged ineffective assistance of counsel. (Doc. Entry 21, Amended Petition, at 5-17.) The petitioner also incorporated by reference the other claims asserted in his original *pro se* petition. (Doc. Entry 21, Amended Petition, at 18.)